

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | Case No. 1:21-cr-179 |
| |) | |
| Plaintiff, |) | Judge J. Philip Calabrese |
| |) | |
| v. |) | |
| |) | |
| JOHN SMITH, |) | |
| |) | |
| Defendant. |) | |
| |) | |

ORDER

On May 17, 2022, the Court held a Supervised Release Violation Hearing. Previously, the Magistrate Judge made a report and recommendation that the Court adopt the finding that Mr. Smith knowingly, intelligently, and voluntarily admitted to two violations:

1. Illicit Substance Use: On February 23, 2022, Mr. Smith submitted a positive drug screen for marijuana.
2. Failure to Comply with Substance Abuse Treatment: Mr. Smith failed to attend his substance abuse assessment on three rescheduled dates.

No party objected to the Report and Recommendation, which the Court **ADOPTS** for the reasons stated on the record. Therefore, the Court finds that Mr. Smith violated these terms of his supervised release.

By way of update, the U.S. Probation Officer advised that Mr. Smith tested positive today for marijuana use, but attended the assessment last week and is demonstrating better compliance with the conditions of his supervision.

As a penalty for these Class C violations, the Guidelines recommend 6 to 12 months incarceration. For the reasons stated on the record, and upon consideration of the appropriate sentencing factors, the Court determined that the appropriate penalty lies outside the advisory guideline system. The Court admonished Mr. Smith to comply with all terms of his supervised release and also emphasized that no missed appointments or drug screens will be tolerated. Further violations may result in the imposition of sanctions, including a term of incarceration. As explained on the record, the Court **ORDERS** the term of supervision to be continued with the same conditions as previously set.

SO ORDERED.

Dated: May 17, 2021

A handwritten signature in black ink, appearing to read 'J. Philip Calabrese', written over a horizontal line.

J. Philip Calabrese
United States District Judge
Northern District of Ohio